

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

SUITS – Land Acquisition –PJP –GADWAL -Mahabubnagar District – Pebbair (Mandal) Nagasanipalli (Village) – O.P.No.138/96 and batch (15 O.Ps) - Sanction of decretal charges of **Rs.7,86,076/-** Orders – Issued.

IRRIGATION & CAD (PW.LA.III.A2) DEPARTMENT

G.O.RT.NO. 174

DATE:02.03.2009

Read:

From the Spl.CS to Govt & CCLA, AP, Hyd.Lr. No.SRP4/1170/2008,
Dt:29.12.08 alongwith the letter of Spl.Collector, Bheema Project, MBNR.

O R D E R:

The Special Chief Secretary to Government and Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad has informed that the Special Collector, LA, Bheema Project, Mahabubnagar District has submitted the proposals for sanction of final payment of decretal charges in respect of O.P.No.138/96 & batch of (15 O.Ps) pertaining to Nagasanipalli (V) Pebbair (M) of Mahabubnagar District. The then Special Dy.Collector, LA, PJP, Gadwal had acquired the dry land to an extent of Ac.22-30 gts in the limits of Nagasanipalli (V) Pebbair (M) of Mahabubnagar District by fixing the market value @Rs.13,000/- per acre through Award No.7/96, dt:29.02.1996 for the purpose of Left Main Canal. The awardees have filed petitions U/s.18 (1) of L.A.Act with a request to refer the matter to the Civil Court for adjudication. The Sr.Civil Judge, Wanaparthy in its orders dt:17.04.2000 had delivered judgments by enhancing the market value from Rs.13,000/- to Rs.35,000/-per acre. The SDC, LA, PJP, Gadwal has filed appeal in the Hon'ble High Court of A.P, Hyd against the orders of the Lower Court. The Hon'ble H.C has granted Interim Stay Orders and directed to deposit 50% decretal charges. Accordingly, an amount of Rs.2,56,000/- was sanctioned and the same was deposited in the Court of the Sr.Civil Judge, Wanaparthy dt:13.08.2004. Further, the Govt.have sanctioned an amount of Rs.2,56,026/- towards balance 25% decretal charges and the same has been deposited in the court of Senior Civil Judge, Wanaparthy dt:29.12.2004. Finally, the Hon'ble High Court of A.P.Hyd has reduced the rate fixed by the Sr.Civil Judge, Wanaparthy from Rs.35,000/- to Rs.22,000/- on the basis of the Judgment of the Hon'ble H.C of A.P, Hyderabad dt:04.09.2006 in A.S.No.737/2001. The Special Leave Petition has been filed in Hon'ble Supreme Court of India against the judgment dt:13.09.06 of APHC, Hyd in A.S.No.3486, 3482, 3495, 3494, 3497, 3490, 3496, 3482, 3495, 3494, 3497, 3490, 3496, 3487, 3488, 3480, 3493 & 3479 of 2000 pertaining to Nagasanipalli (V) of Pebbair (M). In the meanwhile the claimants have filed W.P before the Hon'ble H.C of A.P, Hyd. The Hon'ble H.C of A.P have issued directions in W.P.No.2886/2008, dt:14.02.2008 that the detailed reasons recorded in order dt:12.11.2007 passed in W.P.No.18841/2007, wherein the said batch closed by recording the submission of Govt.Pleader for L.A that Govt.requires two months time to deposit the awarded amount to the credit of E.Ps.

(PTO)

2) After careful examination of the matter, Government hereby accord sanction for an amount of **Rs.7,86,076/- (Rupees Seven lakhs eighty six thousand and seventy**

six only) in respect of O.P.Nos. O.P.NO.138/96, 127/96, 128/96, 129/96, 130/96, 131/96, 132/96, 133/96, 134/96, 135/96, 136/96, 137/96, 139/96, 140/96 & 141/96 (total 15 O.Ps) pertaining to Nagasanipalli (V) Pebbair (M) of Mahabubnagar District subject to verification whether the reference under section.18 (1) of the L.A.Act is made to the Lower Court after following all the guidelines/directions on the subject and in case it is detected that Sec.18 reference was made contrary to the rules/guidelines issued by the Govt/Special Chief Secretary to Government and Chief Commissioner for Land Administration, Andhra Pradesh, Hyderabad immediate action should be taken to recover the loss sustained by the Government from the staff concerned and filing of restitution petition and also subject to confirmation of the Chief Engineer as to the extent of land acquired. Further, the Special Collector should verify the calculations made by the Land Acquisition Officer once again thoroughly with reference to the decree and instructions issued by the Government/Special Chief Secretary to Government and Chief Commissioner for Land Administration, Andhra Pradesh, Hyderabad on the subject from time to time duly deducting the Income Tax as per rules before depositing the amount in Lower court.

3) The expenditure sanctioned in para (2) above shall be debitable to following Head of Account under "4701- SMJH – 0 1- Major Irrigation – M.H.122 – Jurala Project G.H.11 – NSP – SH (27) – Canals and Distributaries - 530 Major Works – 532 Lands (charged). In case, the available budget provision is not sufficient to meet the present requirement, the expenditure shall be met initially by way of advance from contingency fund subject to surrendering an equal amount from voted grant.

4) This order issues with the concurrence of Finance (Works&Projects) Department vide their U.O. No.443/F2(2)/2009-1, dated 19.02.2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ADITYA NATH DAS
SECRETARY TO GOVERNMENT

To
The Spl. Chief Secretary to Government & CCLA, A.P., Hyderabad.
The Special Collector, LA, Bheema Project, Mahabubnagar.
The Engineer-in-Chief, I&CAD, Erramanzil, Hyderabad.
The SDC, LA, PJP, Gadwal, Mahabubnagar.
The Director of Works Accounts, Hyderabad.
Copy to: P.S. to Minister (M& MI).
Finance (W&P) Department/File C.No.157/LA.III(A2)/2009
SF/SCs.

//FORWARDED::BY ORDER//

SECTION OFFICER